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OIA
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1632 :
Examiner: Anne Marie Sabrina Wehbe :
In re application of: : Title:
Alain P. Vicari *et al.* : CHEMOKINES AS ADJUVANTS
Serial No.: 09/768,917 : OF IMMUNE RESPONSE
Filing Date: January 24, 2001 :
Attorney Docket No.: SF0896 K US :
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DECLARATION UNDER 37 C.F.R. § 1.132

I, Alain P. Vicari, hereby declare as follows:

1. I am a named inventor in the above-referenced patent application. I am informed that the claims in the above-referenced patent application have been amended to recite a method for enhancing an immune response in a mammal comprising administering an antigen and a chemokine to the mammal, wherein the chemokine is MCP-4 or a biologically active fraction of MCP-4.
2. Furthermore, I am informed that Schering-Plough Corporation received an Office Action having a mailing date of January 15, 2003 in the above-referenced application. I have also been informed that the Office Action rejects claims 21-36 and 69 under 35 U.S.C. § 102(a) as being anticipated by European Patent Application publication no. EP 0 974 357 A1, which was published on January 26, 2000.
3. I am a named inventor of EP 0 974 357 A1 and have read and understand its contents. EP 0 974 357 A1 relates generally to the use of chemokines to modulate immune responses. The disclosure is specifically directed to the chemokines MIP-3 α and MIP-3 β .
4. The subject matter relating to MCP-4 in both EP 0 974 357 A1 and the present application was invented by Christophe Caux and myself. The MCP-4 invention was disclosed to Beatrice Vanbervliet, Serge Lebecque and Marie-Caroline Dieu, named inventors of EP 0 974 357 A1, by Christophe Caux and myself while we worked together in the Laboratory for Immunological Research of Schering-Plough (France), a subsidiary of Schering-Plough Corporation. This same subject matter was also disclosed to Drake LaFace, a named inventor of the present application, by Christophe Caux and myself while we were collaborating with Canji Incorporated, a subsidiary of Schering-Plough Corporation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. § 1001 and that such willful false statement may jeopardize the validity of the application and any patent issued thereon.



Alain P. Vicari

Dec 12, 2003
Date